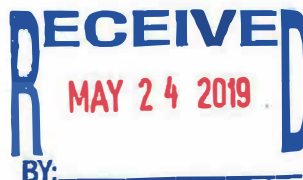




U.S. Department  
of Veterans Affairs



810 Vermont Ave NW  
Washington DC 20420  
[www.va.gov](http://www.va.gov)

Via Email: [foia@americanoversight.org](mailto:foia@americanoversight.org)

MAY 21 2019

Mr. Daniel McGrath  
American Oversight  
1030 15<sup>th</sup> Street, NW  
Suite B255  
Washington, DC 20005

Re: Freedom of Information Act Tracking Numbers **19-07249-F**; **19-07250-F**

Dear Mr. McGrath,

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Veterans Affairs (VA), dated May 1, 2019, requesting:

- All WhatsApp messages sent or received between (1) the VA officials specified below and (2) White House adviser Jared Kushner, Screenshots of WhatsApp messages with Kushner are considered responsive to this request.
  - i. Former Secretary David Shulkin
  - ii. Former Chief Information Officer Scott Blackburn
  - iii. Former Chief of Staff Peter O'Rourke

The FOIA Service received your request on May 2, 2019, and assigned it FOIA tracking numbers **19-07249-F** and **19-07250-F**. Please refer to these numbers when communicating with the VA about this request.

The records you requested, if they exist, are maintained at the Office of the Executive Secretary (OSVA) and the Office of Information and Technology (OI&T). Therefore, we are redirecting your request to these offices for a file search and a direct response to you. If you wish to know the status of your request, please contact them directly at the following addresses:

Department of Veterans Affairs  
OSVA, (002B) VACO  
FOIA Officer: Richard Ha  
810 Vermont Avenue, NW  
Washington, DC 20420  
Email: [osvafoia@va.gov](mailto:osvafoia@va.gov); Phone: (202) 632-5286; Fax: (202) 273-4880

You have been placed in the "news media" category, which means the requester is responsible for the fees associated with duplication, excluding the cost of the first 100 pages, which are free.

In response to OI&T's portion of the request under tracking number **19-07250-F**, OI&T consulted with Information Technology Operations and Services (ITOPS) who indicated that they do not pull records from WhatsApp, because it is an external application and VA does not monitor. Therefore, we are providing you a no records response.

You have the right to appeal this no records response if you do not agree with this determination.

You may appeal in writing to:

Department of Veterans Affairs  
General Counsel (024)  
810 Vermont Avenue  
Washington, DC 20420

You may also submit your appeal via facsimile to (202) 273-6388 or via email to [ogcfoiaappeals@va.gov](mailto:ogcfoiaappeals@va.gov). If you do appeal this determination, you must specify which part of the determination you are appealing. Please include a copy of your request and my letter with your appeal, and clearly state why you disagree with this determination. If you mail your appeal, both the front of the envelope and the letter should be clearly marked "FOIA Appeal". Please also include a daytime telephone number in case the Office of General Counsel needs additional information.

As an alternative to submitting an appeal, you may contact the VA FOIA Public Liaison, which was created to offer mediation services to resolve disputes between FOIA requesters and the VA. Using the VA FOIA Public Liaison does not affect your right to appeal.

You may contact the VA FOIA Public Liaison at:

Department of Veterans Affairs  
VA FOIA Public Liaison (005R1C)  
810 Vermont Ave., NW  
Washington, DC 20420  
Email: [vacofoiaservice@va.gov](mailto:vacofoiaservice@va.gov)  
Telephone: (877) 750-3642  
Facsimile: (202) 632-7581

As another alternative to submitting an appeal, you may also contact the Office of Government Information Services (OGIS) whom was created to offer mediation services to resolve disputes between FOIA requesters and Federal Agencies. Using OGIS does not affect your right to appeal. You may contact OGIS in any of the following manners:

Office of Government Information Services  
National Archives & Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Phone: (202) 741-5770  
Toll-free: 1-877-684-6448  
Facsimile: (202) 741-5769

This concludes the FOIA Service's response to your request.

We appreciate your interest in the VA. If you have any further questions concerning this letter you may contact Jacqueline Short of my staff at (202) 632-7426.

Sincerely,



Ms. Dolores Johnson  
Director, VACO FOIA Service  
Quality, Performance, and Risk (QPR)  
Office of Information and Technology (OIT)